

REMARKS

Reconsideration of the present application is respectfully requested. Claims 10, 13, and 15 are currently pending.

Claims 10 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,257,397 to Barzegar et al. ("Barzegar") in view of U.S. Patent No. 6,233,430 to Helferich ("Helferich").

Regarding independent claim 10, the Office Action asserts that Barzegar discloses "essentially all the claimed invention set forth in the instant application, further Barzegar et al. discloses a mobile data telephone." The Office Action further asserts that Barzegar discloses "a communication device comprising: a first transceiver (101) for communicating over a first communication network; a second transceiver (103) for communicating with a remote unit (102); means for detecting signal strengths of potentially interfering signals (which reads on 114); and means for providing an alert signal (111) if the detected signal strengths of potentially interfering signals exceed a predetermined threshold (which reads on column 5, lines 30-37)." The Office Action acknowledges that Barzegar fails to specifically disclose "a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal." The Office Action asserts that "in the same field of endeavor, Helferich discloses a paging transceiver and method for selectively retrieving messages." The Office Action further asserts that Helferich discloses "means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as disclosed in column 1, lines 30-35." The Office Action still further asserts that "it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Barzegar with a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as taught by Helferich for the purpose of playing or displaying messages while efficiently using memory."

Applicant respectfully submits that Barzegar fails to teach or suggest at least the features of independent claim 10 of "the communication device comprising: a first transceiver for communicating over a first communication network; a second transceiver for communicating with the remote unit" and "the remote unit comprising: a third transceiver for communication the

communications device." The Office Action appears to indicate the radio transceiver portion 101 of Figure 1 of Barzegar is analogous to the "communication device" of independent claim 10, and the data modem portion 102 of Figure 1 of Barzegar is analogous to the "remote unit" of independent claim 10. Applicant respectfully disagrees. Barzegar describes a mobile data telephone 100 having a radio transceiver portion 101 and a data modem portion 102. As described, for example, in the Abstract, column 2, lines 38-40, and column 5, lines 16-19 of Barzegar, the radio transceiver portion 101 and data modem portion 102 are integrated into the same physical package and are coupled by a control bus. Accordingly, Applicant respectfully submits that the data modem portion 102 cannot reasonably be interpreted to be a "remote unit" as found in independent claim 10.

Further, the Office Action appears to assert that the radio transceiver portion 101 of Figure 1 of Barzegar is analogous to the "first transceiver for communicating over a first communication network" of independent claim 10, and the receiver/transmitter 103 of Figure 1 of Barzegar is analogous to the "second transceiver for communicating with the remote unit" of independent claim 10. Applicant respectfully disagrees. As described in Figure 1 and column 2, lines 40-44 of Barzegar, the radio transceiver portion 101 only includes a single receiver/transmitter 103. The receiver/transmitter 103 is a component that is contained within the radio transceiver portion 101, and that allows the radio transceiver portion 101 to be termed as such. Applicant respectfully submits that the radio transceiver portion 101 and the receiver/transmitter 103 are not a first and second transceiver as asserted in the Office Action.

Helferich is asserted in the Office Action as teaching the features of "means for storing an audible message" and "means for playing back the stored audible message in response to a received alert signal." Helferich describes a paging system having a system for storing messages. However, Applicant respectfully submits that Helferich also fails to teach or suggest the aforementioned distinguishing features of independent claim 10. Applicant respectfully submits that independent claim 10 distinguishes over Barzegar in view of Helferich and requests that the 35 U.S.C. 103(a) rejection of independent claim 10 be withdrawn.

Regarding independent claim 13, in the Office Action a similar rejection was made with respect to independent claim 13 as was made with respect to independent claim 10. For similar reasons as those discussed with respect to independent claim 10, Applicant respectfully

submits that Barzegar fails to teach or suggest at least the features of independent claim 13 of "the communication device comprising: a first transceiver for communicating over a first communication network; a second transceiver for communicating with the remote unit."

Applicant respectfully submits that Helferich also fails to teach or suggest these features.

Applicant respectfully submits that independent claim 13 distinguishes over Barzegar in view of Helferich and requests that the 35 U.S.C. 103(a) rejection of independent claim 13 be withdrawn.

Independent claim 15 has been indicated in the Office Action as allowed. Applicant wishes to thank the Examiner for the allowance of independent claim 15.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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